IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 24018 of 2004

Between:

Dr. D.S.R.S. Prakash, S/o Asheervadam,
R/o Royapeta, Narsapur Town & Mandal,
West Godavari District.

..... PETITIONER

AND

1 The Registrar, Andhra University, Visakhapatnam.
2 The Director of Insurance (GLIC), Tilak Road, Boggulakunta,
Koti, Hyderabad.
3 T. Mahankali, S/o Peddi Raju,
Department of Human Gentics,
College of Science and Technology,
Andhra University, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondent No.1 in appointing 3rd respondent as Teaching Assistant in the Department of Human Genetics vide Procs.No. SII(4)/TA/H.G/03, dt. 17-7-2004 of the 1st respondent as arbitrary, illegal, unjust and unconstitutional and contrary to Rule 10 of General Instructions to Research Admissions of Andhra University and consequently direct the 1st respondent to consider the candidature of the Petitioner as Teaching Assistant and pass such other order or orders

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondent No.1: DR.P.B.VIJAY KUMAR

Counsel for the Respondent No.3: S.SURENDRA KUMAR

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in issuing proceedings dated 17.07.2004, under which, the services of certain persons were utilized for teaching in the Department of Human Genetics, College of Science & Technology, Andhra University, Visakhapatnam, for the academic year 2004-2005, on a consolidated amount of Rs.6,000/- per month.

2. It is stated by the petitioner that though he is an unemployed Ph.D holder, the first respondent by the impugned proceedings appointed the third respondent, which is illegal and contrary to the service conditions of the third respondent. It is further stated that the third respondent was working as a Junior Accountant in the second respondent's Office and the third respondent was granted extraordinary leave on private affairs for a period of two years in view of further studies stated in his application. The leave sanction order shows that the third respondent shall not undertake any form of employment during the course of leave sanctioned and no extension of leave would be considered.

3 . The grievance of the petitioner is that contrary to the said sanction order and further though the third respondent was not qualified to serve as a teaching member of the staff, the first respondent had engaged his services. According to him, in order to serve as a teaching member for the postgraduate students, one should possess a Ph.D Degree. Admittedly, the third respondent did not possess the same. Further, the third respondent is not entitled to continue in the department as a teaching member either permanently or otherwise. Hence, the writ petition.

4. The learned counsel appearing for the first respondent, however, states that the period, for which the third respondent was appointed along with others, has expired with the academic year 2004-05. Therefore, the matter need not be gone into.

5. The learned counsel appearing for the third respondent also contends that under the impugned order, the third respondent was provided only temporary teaching assignment and the same could not be considered as an employment. Therefore, there is no justification in filing the present writ petition.

6. The learned counsel for the petitioner brought to the notice of this Court that in pursuance of the action of the petitioner, the second respondent initiated proceedings against the third respondent, for which, the third respondent submitted his explanation. Therefore, no further orders are necessary.

7. In view of the above facts and circumstances and after hearing both sides, the writ petition is disposed of directing the first respondent not to engage the services of the third respondent especially in view of the restriction imposed by the employer of the third respondent and that the third respondent is not entitled to undertake any employment.

8. Without going into the further merits of the other contentions, the writ petition is accordingly disposed of at the admission stage.

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S.Ananda Reddy, J

Date: 09.06.2005

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To

1 The Registrar, Andhra University, Visakhapatnam.
2 The Director of Insurance (GLIC), Tilak Road, Boggulakunta,
Koti, Hyderabad.

3 Two CD Copies